

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Frederick S. Kauffman	§	Group Art No. 2161
	§	
Serial No.: 10/735,954	§	
	§	Examiner: Stace, Brent S.
Filed: December 15, 2003	§	
	§	
For: Row Triggers	§	Attorney Docket No.: 11223

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

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37 CFR 1.8

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/Howard L. Speight/ Reg. No. 37,733

Howard L. Speight

DATE OF SUBMISSION: SEPTEMBER 6, 2007
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Dear Sir:

APPELLANT'S REPLY BRIEF (37 C.F.R. § 41.41)

This Reply Brief is submitted in response to the Examiner's Answer mailed on July 6, 2007.

STATUS OF CLAIMS

The Status of Claims in the Examiner's Answer is correct. Appellant's Status of Claims in Appellant's Appeal Brief mistakenly identified the date that claims 24-26 were added. The Examiner's Answer states the date correctly as August 31, 2006. Examiner's Answer at 2.

The Appellant and the Examiner appear to agree on all other non-argument points.

ARGUMENT

A. The Examiner's Answer Did Not Cure the Examiner's Failure to Establish a Prima Facie Case of Inherency.

The Examiner attempts to bolster the inherency argument made in the Final Office Action through the use of an example. See Examiner's Answer at 9-11. The Examiner does not explain, however, why "the allegedly inherent characteristic[s] *necessarily* flow[] from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). Merely stating a hypothetical, as the Examiner does in the Examiner's Answer, does not establish that the characteristics of the example necessarily flow from the cited reference.

As just one example, claim 1 requires:

reading the transition table row from the transition table;
 identifying a processing unit to receive the transition table row and a triggered action of the trigger based on an association between the identified processing unit and a portion of memory; and
 transmitting the transition table row and the triggered action to the identified processing unit to be processed.

The Examiner argues that simply because a transition table can exist in a parallel processing system, as the Examiner claims is established by Chen and Dewitt, these elements of claim 1 are inherent. See Examiner's Answer at 9-10.

These elements are not inherent. The elements listed above require reading a row from the transition table, identifying a processing unit to receive the row and a triggered action, and transmitting the row to the identified processing unit. Chen does not teach or suggest any such thing. Chen does not discuss separately reading and transmitting each row of a transition table to an identified processing unit. Instead, Chen treats transition tables as a whole and does not discuss processing individual rows of the transition table. See, e.g., Chen, col. 12, lines 59-65 (transition tables recorded); col. 13, line 10 – col. 14, line 51 (dynamic linking process for

transition tables). If Chen were used as a guide in determining how a parallel processing system would process transition tables, the entire transition table, not just a row, would be transmitted to a processing unit. Thus, the elements that the Examiner believes are inherent in Chen are not inherent.

This same reasoning applies to claims 1-3, 11-13, and 21-26, as described in Appellant's Brief at 9. The rejections of these claims should be reversed and these claims should be allowed.

B. The Examiner's Answer Does Not Correct The Examiner's Failure to Address Individual Limitations of Claims

The Examiner failed to specifically address the individual limitations of many of the claims of the instant application, as described in argument sections 3-5 of Appellant's Brief. The Examiner's Answer does nothing to correct this problem, only mentioning a few words from a few of the elements and describing them as inherent. See Examiner's Answer at 10, sentence beginning on line 13. Appellant respectfully notes that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03. The Examiner has failed to consider all of the words of many of the claim elements. For this reason, the rejection of those claims should be reversed and the claims should be allowed.

SUMMARY

In light of the foregoing, Appellant respectfully requests that the final rejection of the pending claims be reversed and the application be remanded for allowance of the pending claims, or, alternatively, the application be remanded for further examination if appropriate references can be found by the Examiner.

Appellant submits that no fee is due with the filing of this Reply Brief. Should any fees be required, Applicant requests that the fees be debited from deposit account number 14-0225.

Respectfully submitted,

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Date: September 6, 2007